

REMARKS

Claims 1-5, 12-13, 18-20 and 23-27 are in the case and presented for reconsideration. Claims 6-11, 14-17 and 21-22 have been withdrawn subject to a restriction requirement.

The Examiner has required a restriction requirement under 35 U.S.C. § 121 in order to elect a single disclosed species as outlined in Paragraph No. 1. Claims 1-4 and 18 have been deemed to be generic.

The Examiner has indicated that the present application contains claims directed to the following patentably distinct species of the claimed invention:

Species Group 1: a catheter device having a signal transmission device contained within the end of the insertion member (Fig. 3);

Species Group 2: an implantable orthopedic device in contact with a signal transmission device (Figs. 4A and 4B); and

Species Group 3: an implanted medical device that makes electrical contact with an electrically conductive body fluid (Fig. 5).

Based on this restriction requirement, the Applicant has elected to prosecute Species Group 2 (an implantable orthopedic device in contact with a signal transmission device – Figs. 4A and 4B).

Accordingly, Claims 1-5, 12-13, 18-20 and 23-27 are readable on the elected species of Group 2 and are elected for prosecution on the merits.

Accordingly, favorable action is respectfully requested.

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Respectfully submitted,

By: 

Louis J. Capezzuto
Reg. No. 37,107

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1522
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